

CHAPTER IV. ORGANIZATION OF GOVERNMENT

CITY COUNCIL

Section 4.1 Until the first regular city election following the adoption of this Charter Amendment, all legislative or policy forming powers shall be vested in, exercised, and determined by a Council of five (5) members, who shall be designated and known as Council Members, and a Mayor. Effective the first regular city election following the adoption of this Charter Amendment, all legislative or policy forming powers shall be vested in, exercised, and determined by a Council of six (6) members who shall be designated and known as Council Members and a Mayor. In all cases where the word "Council" is used in this Charter, the same shall be synonymous with the term "commission", "common council", "board of aldermen", "governing body", or "legislative body" or any other synonymous term, as the same may be used in any state or Federal law referring to legislative or governing bodies of cities.
(Amendment adopted by electorate 11-3-70; Amendment adopted by electorate 11-5-91)

ELECTION OF COUNCIL MEMBERS AND MAYOR

Section 4.2 At the first regular city election held after adoption of this Charter Amendment, four (4) Council Members shall be elected from the City at large. The three (3) candidates for the office of Council Member receiving the largest number of votes shall hold office until 8:00 P.M. on the second Monday following the third regular city election held after adoption of this Charter Amendment. The one (1) candidate for the office of Council Member receiving the next highest number of votes shall hold office until 8:00 P.M. on the second Monday following the second regular city election held after adoption of this charter amendment.

At each regular election thereafter, three (3) Council Members shall be elected from the City at large. The three (3) candidates for Council Member receiving the highest number of votes shall hold office for a term of four (4) years from and after 8:00 P.M. on the second Monday following the election.

At each regular city election held hereafter a Mayor shall be elected from the City at large for a term of two (2) years to hold office until 8:00 P.M. on the second Monday following the next regular city election.
(Amendment adopted by electorate 11-3-70; Amendment adopted by electorate 11-5-91)

ELECTION OF COUNCIL MEMBERS AND MAYOR; TERM LIMITS

Section 4.2A Effective with elected terms of office commencing on or after November 21, 1994, no council member or mayor shall hold the same position for more than eight (8) successive years of elected terms of office.

(Amendment adopted by electorate 11-8-94; Amendment adopted by electorate 11-6-01)

FILLING VACANCY IN OFFICE OF COUNCIL MEMBER.

Section 4.3 In case of vacancy in the office of council member, the vacancy shall be filled by an appointee named by the remaining members of the City Council by a majority vote thereof. A council member appointed pursuant to this section shall take office immediately upon taking the oath of office and shall hold office for the remainder of the unexpired term in which the vacancy occurred.

(Amendment adopted by electorate 11-6-01; Amendment adopted by electorate 11-2-04)

Cross-reference:

Vacancy in office of Mayor, see § 30.01 of the City Code

ELIGIBILITY FOR OFFICE

Section 4.4 To be eligible for election to the office of councilmen or to be eligible for appointment to fill a vacancy in the office of councilmen a person shall be an elector of the city and shall have been a resident of the city or of the territory annexed to the city for a period of one year prior to the last day for filing nominating petitions or prior to the date of appointment to fill a vacancy.

ORGANIZATIONAL MEETING

Section 4.5 At 8:00 p.m. of the second Monday following such regular city election, the City Council shall meet for the purpose of organization and shall elect one of its members as mayor pro tem to serve until the next such organizational meeting.

MAYOR - MANDATORY DUTIES

Section 4.6 Insofar as required by statute, and for all ceremonial purposes, the Mayor shall be the executive head of the city. He shall have a voice and vote in all proceedings of the Council equal with that of other members of the Council but shall have no veto power. He shall be the presiding officer of the Council.

4.6:1 The Mayor shall be a conservator of the peace, and in emergencies may exercise within the city the powers conferred upon sheriffs to suppress riot and disorder, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the city ordinances and state laws to suppress riot and disorder.

4.6:2 The Mayor shall execute or authenticate by his signature such instruments as the Council, this charter or any statute or laws of the United States or State of Michigan shall require.

4.6:3 Except as may be required by statute, the Mayor shall exercise only such powers as this charter or the Council shall specifically confer upon him.

4.6:4 In the absence or disability of the Mayor, the Mayor Pro-Tem shall perform the duties of Mayor. In the absence or disability of both, the designated Acting Mayor shall perform such

duties.

(Amendment adopted by electorate 11-8-94; Amendment adopted by electorate 11-2-04)

CITY MANAGER - MAYOR - DUTIES

Section 4.7 The Council may by ordinance create the office of City Manager who shall be the chief administrative officer of the city and shall specify in such ordinance the duties, authorities and responsibilities of such officer. The city manager shall have the following duties, which, until such office is created by ordinance and appointment is made, shall be performed by the Mayor:

4.7:1 He shall see that all ordinances and applicable State laws are enforced and that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise or any contract are faithfully kept and performed.

4.7:2 He shall be responsible for the efficient administration of all departments of the city government.

4.7:3 He shall be responsible for the proper discharge of all duties and obligations of the city.

4.7:4 He shall prepare in accordance with law and this charter a budget for submission to the City Council and see to the administration thereof after its adoption.

4.7:5 He shall recommend to the Council for adoption of such measures as he may deem necessary or expedient; and to attend Council meetings with the right to take part in discussions but not to vote.

4.7:6 He shall exercise and perform all administrative functions of the city that are not imposed by this charter or ordinance upon some other official.

4.7:7 He shall perform such other duties as may be prescribed by this charter or as may be required of him by ordinance or by direction of the Council.

Cross-reference:

City Manager, see § 30.02 of the City Code

CITY MANAGER - PERMISSIVE POWERS

Section 4.8 In event the office of City Manager is created the City Council may provide that any administrative officer or department of the city except that of City Attorney may be placed under the administrative direction of such Manager and in such event the Manager shall have the power to appoint and remove such administrative officers of the city as are placed under his administrative control subject to the approval of the City Council.

Cross-reference:

City Manager, see § 30.02 of the City Code

ADMINISTRATIVE OFFICERS

Section 4.9 The administrative officers of the city shall be the City Clerk, City Treasurer, City Assessor, and such additional administrative officers as may be created by ordinance.

The City Council may by ordinance combine any administrative offices. The same person may be appointed to hold more than one administrative office at the same time. Until such time as the administrative officers are placed under the direction and control of the City Manager, all

administrative officers of the city shall be appointed by a majority of the City Council for an indefinite term and shall serve at the pleasure of the Council.

ADMINISTRATIVE OFFICERS - RESIDENCE

Section 4.10 All administrative officers of the City shall become residents of the City within sixty (60) days and remain residents of the City during their service as officers of the City unless such requirement is waived by a majority vote of the City Council.

ADMINISTRATIVE OFFICERS - DEPUTIES

Section 4.11 All administrative officers of the city shall, when required by the City Council, appoint and remove a deputy subject to the approval of the City Council and such deputy shall have the power to exercise all the duties, powers and functions of the administrative officer of which he is a deputy. The deputy shall act in case of the absence or disability of the administrative officer of which he is a deputy.